

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>EDWARD MILLER,</b>	:	<b>CIVIL ACTION NO. 1:12-CV-00520</b>
	:	
<b>Plaintiff</b>	:	<b>(Judge Conner)</b>
	:	
<b>v.</b>	:	
	:	
<b>EUGENE BERDANIER, et al.,</b>	:	
	:	
<b>Defendants</b>	:	

## ORDER

AND NOW, this 15th day of January, 2013, upon consideration of plaintiff's motion (Doc. 14) for a preliminary injunction pursuant to Federal Rule of Civil Procedure 65, which is an extraordinary remedy that should be granted, in the court's discretion, only if a plaintiff demonstrates: (1) a likelihood of success on the merits; (2) irreparable harm resulting from the denial of relief; (3) granting the injunction will not result in irreparable harm to the non-moving party; and (4) granting the injunction is in the public interest, Liberty Lincoln-Mercury, Inc. v. Ford Motor Co., 562 F.3d 553, 556 (3d Cir. 2009) (citing McNeil Nutritionals, LLC v. Heartland Sweeteners, LLC, 511 F.3d 350, 356-57 (3d Cir. 2007)), and this court recognizing that because of the intractable problems of prison administration, a request for injunctive relief in the prison context must be viewed with considerable caution, Rush v. Correctional Med. Services, Inc., 287 F. App'x 142, 144 (3d Cir. 2008) (citing Goff v. Harper, 60 F.3d 518, 520 (8th Cir. 1995)), and it appearing that plaintiff seeks an order directing defendants and other unnamed individuals at SCI-Camp Hill to refrain from harassing him by taking his clothing and denying him a

medical diet and an “allowance for legal filings,” (Doc. 14), and it further appearing that plaintiff has yet to file an amended complaint pursuant to the court’s November 8, 2012 order (Doc. 44), and therefore there are no claims currently pending in an amended complaint,<sup>1</sup> the instant motion is an impermissible basis for seeking injunctive relief as the issuance of a preliminary injunction is to preserve the *status quo* and prevent irreparable harm until the court has an opportunity to rule on the merits of the pending lawsuit, Acierno v. New Castle County, 40 F.3d 645, 647 (3d Cir. 1994), it is hereby ORDERED that plaintiff’s motion for a preliminary injunction (Doc. 14) is DENIED without prejudice to plaintiff’s right to seek such relief, if necessary, after the court’s consideration of an amended complaint.

S/ Christopher C. Conner  
CHRISTOPHER C. CONNER  
United States District Judge

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<sup>1</sup> By order issued August 23, 2012, the court granted defendants’ motion to strike plaintiff’s first amended complaint, ruled that complaint stricken, and directed plaintiff to file an amended complaint. (Doc. 40.)